

ALFRED W. THOMPSON AND
JONATHAN A. WATERS ET AL
VS
MARGARET A. DORSEY ET AL.

SEPTEMBER TERM, 1853.

[PARENT AND CHILD—LIMITATIONS—ACT OF 1849, CH. 224—GIFTS INTER VIVOS
OR MORTIS CAUSA.]

A FATHER is bound to educate and maintain his infant child, and if another person performs this natural duty for him, with his knowledge and consent, the father is liable to pay a reasonable sum to such person.

To such a case the Statute of Frauds has no application, for the debt is the debt of the father and not of the son, and therefore is not an attempt to charge him with the debt of a third person.

Where the real estate of an intestate is sold for the payment of his debts, the operation of the Statute of Limitations, so far as the heirs at law are concerned, is suspended for the space of eighteen months from the death of the intestate, by the act of 1849, ch. 224.

A party shortly before his death delivered a note due him to a friend, with directions to collect and apply it to certain purposes for the benefit of his wife, but died before the money collected was so applied. HELD—that this does not amount to a gift *inter vivos* or *mortis causa*, and the proceeds of the note belong to the estate of the deceased.

[The bill in this case was filed by creditors against the widow and administratrix, and heirs at law of Rinaldo Dorsey, deceased, charging the insufficiency of the personal estate to pay his debts, and praying for an account from the administratrix, and for a sale of the real estate for that purpose. After answer admitting these allegations, a decree for a sale was passed, and an account ordered. The property was sold, and the proceeds brought in, and on the 22d of February, 1853, a petition was filed in the case by John Warfield of Joshua, Margaret G. Warfield, and Ann Pierse, setting up several claims against the estate, that of said John Warfield being principally for board of the son of the intestate, from the 13th of September, 1839, to the 13th of May, 1850, at \$50 per annum, making \$533 33. The other claims, and the proof in support of them, are sufficiently stated in the Chancellor's opinion. The petition further charges that the said administratrix has omitted to return several debts, claims, &c. due the estate of her intestate, especially a note of G. Slothower for \$80, payable to the intestate.]